

REMARKS

Claims 1-23 are pending.

The specification has been amended as illustrated above and in the Appendix to address the Examiner's objections to the drawings. No new matter has been added.

Rejection of Claims under 35 U.S.C. § 112

Claims 1-23 stand rejected under 35 U.S.C. § 112, second paragraph. The applicant respectfully traverses these rejections.

In her Office Action of September 12, 2002, p. 3, ¶¶2-3, the Examiner rejects claim 1 as being incomplete for omitting essential elements and states:

The omitted elements are:

Claim 1 recites a "product rate calculation system" in its preamble, but only recites three elements in its body . . . . It is unclear as to which element performs the "rate calculation" function recited in the preamble. Simple stated, does the claimed product application or the claimed first support software component or the claimed first protocol stack perform the act of "product rate calculation", or is there another element responsible for this function? As such, the claim, as presently recited, appears to be incomplete.

The applicant respectfully disagrees. In making her rejection, the Examiner appears to rely on form paragraph 7.34.13 as described in MPEP § 706.03(d). The instructions for use of form paragraph 7.34.13 make clear that the Examiner is to (1) recite the elements omitted by the claim, and (2) provide the rationale for considering the omitted elements critical or essential. The Examiner has done neither. The Examiner has recited no elements omitted from the claim. At best, the Examiner has made reference to the preamble. The applicant notes that MPEP §2111.02 discusses generally the weight of claim preambles. In particular it states that:

The preamble is not given the effect of a limitation unless it breathes life and meaning into the claim. In order to limit the claim, the preamble must be "essential to point out the invention defined by the claim." (Citation omitted).

Thus, if it is the Examiner's position that the preamble is "essential to point out the invention defined by the claim," the applicant respectfully requests clarification of this

point. Whether or not that is the Examiner's position, the applicant also respectfully requests that the Examiner provide the *rationale* for considering the omitted elements critical or essential. Absent such information, the applicant respectfully submits that claim 1 is definite and allowable. Claims 2-15 depend from claim 1 and are allowable for at least this reason.

In her Office Action of September 12, 2002, pp. 3-4, ¶¶5-6, the Examiner rejects claim 16 as being incomplete for omitting essential steps and states:

The omitted steps are:

Claim 16 recites a "method calculating a product rate" in its preamble, but recites six steps in its body . . . . It is unclear as to which step performs the "calculating product rate" function recited in the preamble. . . . As such, the claim, as presently recited, appears to be incomplete.

The applicant respectfully disagrees for reasons similar to those stated with respect to claim 1. In making her rejection, the Examiner appears to rely on form paragraph 7.34.12 as described in MPEP § 706.03(d). The instructions for use of form paragraph 7.34.12 make clear that the Examiner is to (1) recite the steps omitted by the claim, and (2) provide the rationale for considering the omitted steps critical or essential. The Examiner has done neither. The Examiner has recited no steps omitted from the claim. At best, the Examiner has made reference to the preamble. The applicant notes that MPEP §2111.02 discusses generally the weight of claim preambles. In particular it states that:

The preamble is not given the effect of a limitation unless it breathes life and meaning into the claim. In order to limit the claim, the preamble must be "essential to point out the invention defined by the claim." (Citation omitted).

Thus, if it is the Examiner's position that the preamble is "essential to point out the invention defined by the claim," the applicant respectfully requests clarification of this point. Whether or not that is the Examiner's position, the applicant also respectfully requests that the Examiner provide the *rationale* for considering the omitted steps critical or essential. Absent such information, the applicant respectfully submits that claim 16 is definite and allowable. Claims 17-23 depend from claim 16 and are allowable for at least this reason.

Rejection of Claims under 35 U.S.C. § 103

Claims 1-3, 5, 6, and 12-23 stand rejected under 35 U.S.C. § 103 as being unpatentable over Tyler et al., U.S. Patent No. 5,523,942 (Tyler) in view of McClelland et al., U.S. Patent No. 5,689,650 (McClelland). Claim 4 stands rejected under 35 U.S.C. § 103 as being unpatentable over Tyler in view of McClelland, and further in view of Adunuthula et al., U.S. Patent No. 6,026,404 (Adunuthula). Claims 7, 9, and 11 stand rejected under 35 U.S.C. § 103 as being unpatentable over Tyler in view of McClelland, and further in view of Batz et al., U.S. Patent No. 5,918,022 (Batz). Claim 8 stands rejected under 35 U.S.C. § 103 as being unpatentable over Tyler in view of McClelland and Batz, and further in view of Narayanan et al., U.S. Patent No. 5,689,664 (Narayanan). Claim 10 stands rejected under 35 U.S.C. § 103 as being unpatentable over Tyler in view of McClelland and Batz, and further in view of Adunuthula. The applicant respectfully traverses these rejections.

None of the cited references teach or suggest a product rate calculation system including:

- a product application operable to provide product information to and receive consumer information from a user, and further operable to send a call to a product rate calculation software component;
- a first support software component operable to receive the call from the product application; and
- a first protocol stack operable to process the call into a protocol for transmission over a communication link,

as required by independent claim 1.

Regarding claim 1, the Examiner states in her Office Action of September 12, 2002, p. 4, no. 7(A), that the claimed product application operable to provide product information to and receive consumer information from a user is taught by Tyler at column 5, lines 32-41. The cited portion of Tyler states:

Typical functions that can be performed by the present invention include:  
 (i) collecting information required to design an insurance product for a customer; (ii) receiving a request for information about an insurance product or policy; (iii) accessing stored information, such as rates, performing the necessary calculations based on the request and returning

the requested information to the user; and (iii) displaying policy level and component level information at both a "point in time" and over one or more time intervals.

The applicant respectfully submits that the particular parts of the cited reference that the Examiner has relied upon have not been designated as nearly as practicable, and the pertinence of the reference has not been clearly explained, both as required by 37 C.F.R. § 1.104(c)(2). *See also* MPEP § 706.02(j). In particular, the Examiner has not stated what in the cited portion of Tyler she contends teaches the claimed product application operable to provide product information to and receive consumer information from a user. For example, if it is the Examiner's position that the limitation is taught by "the present invention" of Tyler, then the applicant respectfully submits that the Examiner's obligations under 37 C.F.R. § 1.104(c)(2) have not been met. Moreover, the applicant notes that the cited portion of Tyler merely refers to functions of the "present invention" and does not teach or suggest the claimed product application operable to provide product information to and receive consumer information from a user.

As for the claim limitation that the product application is further operable to send a call to a product rate calculation software component, it appears that the Examiner believes the product rate calculation software component to be taught by Tyler's Calculation Engine 16. However, the applicant respectfully submits that none of the things to which the Examiner refers as teaching the claimed product application are operable to call Calculation Engine 16.

Regarding the claimed a first support software component operable to receive the call from the product application, the Examiner refers to column 5, lines 18-32 of Tyler. Office Action of September 12, 2002, p. 5, no. ¶1. The cited portion of Tyler states:

At its highest level of functionality, the present invention operates as follows. Information about insurance product rules and rates is stored in the memory of a digital computer. The information may be stored as data or as procedures that carry out specific functions. The digital computer is supplied with a specific information request. The information request may be for information about a proposal, or may be a request for sales support, or a request that the system of the present invention perform a product administrative function. In conjunction with the user, the digital computer determines the information request requirements, accesses the required

rates, calculates the required information, and displays it to the user or passes it to another computer system.

The applicant again respectfully submits that the particular parts of the cited reference that the Examiner has relied upon have not been designated as nearly as practicable, and the pertinence of the reference has not been clearly explained, both as required by 37 C.F.R. § 1.104(c)(2). In particular, the Examiner has not stated what in the cited portion of Tyler she contends teaches the claimed a first support software component operable to receive the call (i.e., the call to a product rate calculation software component) from the product application. The applicant respectfully submits that nothing in the cited portion of Tyler teaches this limitation.

As for the combination for Tyler and McClelland, the Examiner states

It would have been obvious to one of ordinary skill in the art . . . to modify the product rate calculation system of Tyler to include a first protocol stack operable to process the call into a protocol for transmission over a communication link, as taught by McClelland, with the motivation of providing a user interface for the network serving as a link between a requesting user and the fulfillment source (McClelland; column 4, lines 46-49. Office Action of September 12, 2002, p. 5, ¶4.

The applicant respectfully disagrees. The cited portion of McClelland states, “Another computerized process provides the user interface for the network and may also serve as a link between investor CRA requirements and the investment advisor's fulfillment of those requests.” The cited portion of McClelland merely reiterates what the Examiner has already cited as teaching or suggesting the claimed a first protocol stack, i.e., column 20, line 65 to column 21, line 19. Thus, the Examiner's purported motivation to combine is not a motivation to combine the inter-process communication of McClelland of with any of the teachings of Tyler, but merely a brief description of one part of that inter-process communication, i.e., the “[a]nother computerized process.” Accordingly, the applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness. In addition to the claim elements not taught or suggested by the cited references as described above, the Examiner has not shown that there is some suggestion or motivation to combine the references, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

Accordingly, the applicant respectfully submits that claim 1 is allowable over Tyler and McClelland taken alone or in combination. Claims 2-15 depend from claim 1 and are allowable for at least this reason.

None of the cited references teach or suggest a method calculating a product rate including:

- ... converting the request for a product rate into a call to a product rate calculation software component;
- sending the call to a product rate calculation software component to a first support software component;
- receiving, at the first support software component, the call to a product rate calculation software component;
- processing the call to a product rate calculation software component into a protocol for transmission over a communication link; and
- transmitting the call to a product rate calculation software component over the communication link.

as required by independent claim 16.

Regarding claim 16, the Examiner states in her Office Action of September 12, 2002, p. 7, no. 7(G), that the claimed converting the request for a product rate into a call to a product rate calculation software component step is taught by Tyler at column 5, lines 11-18 and column 11, lines 33-36. The cited portions of Tyler state:

The present invention also comprises a calculation engine. The calculation engine is designed to perform all required calculations related to insurance products. These calculations include determining the cash value of a policy, calculating a death benefit on an annual basis, calculating the premium due, calculating the net premium due, determining a guaranteed cash value of all individual coverages, calculating annual cash dividends, and the like.

...

API Layer 14 allows the Calculation Engine 16 to be called by multiple applications (i.e., consumer applications which do not employ object oriented technologies) to input and/or retrieve data into and from the Calculation Engine 16.

Again, the applicant respectfully submits that the particular parts of the cited reference that the Examiner has relied upon have not been designated as nearly as practicable, and

the pertinence of the reference has not been clearly explained, both as required by 37 C.F.R. § 1.104(c)(2). Moreover, the applicant notes that the cited portion of Tyler does not teach or suggest *converting the request for a product rate into a call to a product rate calculation software component*.

As for the sending the call to a product rate calculation software component to a first support software component claim limitation, the Examiner again refers to the same portions of Tyler. Nowhere does the Examiner point out what she contends to teach the claimed first support software component. Moreover, the applicant respectfully submits that the cited portions of Tyler neither teach nor suggest such a component or sending a call to a product rate calculation software component to such a component.


Similarly, the portion of Tyler cited by the Examiner as teaching the claimed receiving, *at the first support software component*, the call to a product rate calculation software component, i.e., column 5, lines 18-32 quoted above, does not teach or suggest anything related to a first support software component.

As for the Examiner's argument combining Tyler and McClelland, the applicant reiterates his response as outlined above. Accordingly, the applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness. In addition to the claim elements not taught or suggested by the cited references as described above, the Examiner has not shown that there is some suggestion or motivation to combine the references, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

Accordingly, the applicant respectfully submits that claim 16 is allowable over Tyler and McClelland taken alone or in combination. Claims 17-23 depend from claim 16 and are allowable for at least this reason.

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on 1/13, 2003.

  
Attorney for Applicant(s)

1/13/03  
Date of Signature

Respectfully submitted,



Marc R. Ascolese  
Attorney for Applicant(s)  
Reg. No. 42,268  
512-439-5085  
512-439-5099 (fax)



Appendix: Version with Markings to Show Changes Made

In the Specification

Please replace the paragraph on page 8, lines 1-12 with the following paragraph:

**Figure 1C** illustrates the situation where the client component **(152)** object and the server component object **(162)** reside on different computer systems, namely client computer **150** and server computer **160**. In this example, local inter-process communication blocks **136** and **146** are replaced with network protocol stacks **156** and **166**, respectively. Consequently, component object communication can be through network **170**. The term “network” is used in the broadest sense, and can include, for example simple point-to-point connections, LANs, WANs, and the Internet. Note also that proxy component objects **134** and **154**, and stub component objects **144** and **164**, can include, or be associated with, a variety of additional services (not shown) such as security provision. Proxy component objects **134** and **154**, and stub component objects **144** and **164**, are examples of software [componets]components that provide COM/DCOM support.

Please replace the paragraph on page 12, lines 4-10 with the following paragraph:

A user begins the process by entering the product application through the first page of the product, 1-2-3 page **305** via a hyperlink **301** located on the home page of a web server operating on product server **[100]200 of Figure 2**, or via a hyperlink **302** from another web site, such as a web site belonging to a business partner, portal, or search engine. The first page of the product **305** typically explains the process to follow. The user begins the data entry process either by accessing an existing account on the system **(315)** or by creating a new account **(310)** and entering appropriate information about the user.